AUG 0 9 2004
PATENT & TRADEMARK OFFICE

AFFIDAVIT

I, Tsai-Cheng SHIAU am the Managing Partner of Top Team International Patent and Trademark Office, having a business address of 3rd Floor, No. 279, Sec. 4, Hsin-Yi Rd., Taipei, Taiwan, R.O.C. Our firm represents Mosel Vitelic Inc., owner by Assignment from the inventors of U.S. Application No. 10/024,274, entitled "Semiconductor Structure Containing Field Oxide and Method for Fabricating the Same," which has a filing date of December 17, 2001.

We transferred responsibility for the aforementioned U.S. patent application from Oppenheimer, Wolff & Donnelly LLP to Birch, Stewart, Kolasch & Birch, LLP, An appropriate Revocation of Power of Attorney, Substitute Power of Attorney, and Change in Correspondence Address, as well as a Certificate Under 37 CFR § 3.73(b) Showing Chain of Title, were signed by Mosel Vitelic Inc. and submitted to the U.S. Patent and Trademark Office.

We subsequently received a facsimile letter from Mr. Joe McKinney Muncy of Birch, Stewart, Kolasch & Birch, LLP on May 13, 2004, advising us that their power of attorney had been entered, and that they were able to access the status of this application in the U.S. Patent and Trademark Office's Patent Application Information Retrieval (PAIR) system. Mr. Muncy advised us that they had therefore checked the status of this application and discovered that the case had been abandoned on March 29, 2002 during preexam processing but that the reason for abandonment was not clear.

On May 20, 2004, we instructed Mr. Muncy to obtain a copy of the file wrapper to determine the reason for abandonment.

On June 3, 2004, Mr. Muncy advised us that the file wrapper had been obtained, and that the application was abandoned due to failure to respond to a Notice to File Corrected Application Papers mailed on December 1, 2003.

Oppenheimer, Wolff & Donnelly LLP had not provided our office with a copy of the Notice to File Corrected Application Papers nor provided us with any indication that such a Notice has been issued. Mr. Muncy's June 3, 2004 letter was, in fact, the first indication we had received that a Notice of Corrected Application Papers had been issued. We were therefore also unaware that the application had been abandoned.

Accordingly, I believe the abandonment of the present application was unintentional, as we were unaware that the Notice to File Corrected Application Papers had been mailed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

July 13, 2004
Date

Signature

Tsai-Cheng SHIAU
Typed or Printed Name

Managing Partner
Title